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Substitute A

ORDINANCE NO. 93-112

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

1. That Sec. 18-502 of Ordinance No. 89-89, as adopted and approved on the 21st day of March, 1989, be and the same is hereby amended to read as follows:

Sec. 18-502. Exceptions

Sec. 18-501 and the restrictions imposed therein shall not apply to:

- (a) Areas which are specifically designated as smoking areas in accordance with Sec. 18-503 of this Ordinance;
- (b) An entire room or hall which is used for private social functions, provided that the event is under the control of the sponsor of the function and not of the proprietor or person in charge of the establishment or hall;
- (c) A separated bar area of a restaurant or a licensed lounge;
- (d) Taxicabs and limousines where the driver and all passengers affirmatively consent to smoking in such vehicle;
- (e) A private, enclosed office, if all persons present consent and if the employer's policy permits smoking in such an area. This exception shall not be construed to permit smoking in the reception areas of lobbies or offices unless designated as smoking areas;
- (f) Performers upon the stage, provided that the smoking is part of a theatrical production;
- (g) A tobacco specialty retail shop;
- (h) Any restaurant between the hours of 12:00 Midnight and 5:00 A.M.; and
- (i) Any public place which in its entirety is too small to allow any practical separation of smokers and non-smokers, determined by the Madison County Health Department.

2. That Sec. 18-505 of Ordinance No. 91-92, as adopted and approved on the 14th day of March, 1991, amending Ordinance No. 89-89, as adopted and approved on the 21st day of March, 1989, be and the same is hereby amended to read as follows:

Sec. 18-505. Regulation of Smoking in the Workplace.

- (a) Each employer in the City of Huntsville shall implement and maintain a written smoking policy for its employees within sixty (60) days after this ordinance becomes law.
- (b) The employer may implement a smoking policy which prohibits smoking in any place of employment of the employer.
- (c) The employer may implement a smoking policy which allows for smoking in its place of employment; however, in situations where smokers and non-smokers must work in close proximity and non-smokers will be exposed to smoke, the preferences of the non-smoker shall prevail.
- (d) An employer is not required by this provision to incur any expense for making structural or other physical modifications to accommodate the preferences of non-smoking or smoking employees.
- (e) The smoking policy shall be announced within three (3) weeks of adoption to all employees working in the place of employment and posted conspicuously in all work places under the employer's control.
- (f) No employer shall discharge or otherwise discriminate against any employee by reason of his/her insistence of his/her rights as provided in this section.

3. That Ordinance No. 89-89, as adopted and approved on the 21st day of March, 1989, be and the same is hereby amended to include Sec. 18-509 as follows:

Sec. 18-509. Regulation of Smoking in Municipal Buildings and Vehicles

All smoking is prohibited in the following public places:

- (a) Smoking is prohibited in all buildings and facilities owned, operated, or controlled by the City of Huntsville or an agency of the City of Huntsville; and

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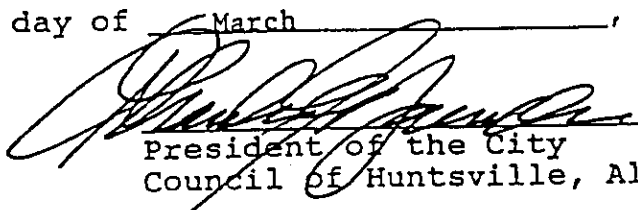
(Cont'd.)

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(b) Smoking is prohibited in all automotive vehicles owned or operated by the City of Huntsville.

4. That in all other respects Ordinance No. 89-89 as adopted and approved on the 21st day of March, 1989, shall be and remain in full force and affect.

ADOPTED this the 11th day of March, 1993.

  
President of the City  
Council of Huntsville, Alabama

APPROVED this the 12th day of March, 1993.

  
Mayor of the City of Huntsville,  
Alabama